## **UNITED STATES DISTRICT COURT**

District of New Jersey

Chambers of William H. Walls Senior District Judge

(973) 645-2564 (973) 645-3436 Fax Martin Luther King Jr. Federal Courthouse 50 Walnut Street Newark, New Jersey 07102

## NOT FOR PUBLICATION LETTER ORDER ORIGINAL ON FILE WITH CLERK OF COURT

Arthur Edmonds Reg. No. 252-03-050 FCI Cumberland PO Box 1000 Cumberland, MD 21501

Andrew Kogan Assistant United States Attorney 970 Broad Street, Room 702 Newark, NJ 07102

September 22, 2011

Re: <u>United States v. Arthur Edmonds</u>; Crim. No. 03-258 (WHW)

Second Motion for Reduction of Sentence Pursuant to 18 U.S.C. § 3582(c)(2)

Dear Mr. Edmonds:

I have received your motion, filed on November 16, 2011, for appointment of counsel to file for a sentencing reduction under the "New Fair Sentencing Act." You appear to be seeking reduction of your sentence under 18 U.S.C. § 3582(c). You previously moved for the same relief in Document 20, filed August 24, 2009. I denied your previous motion for reduction of sentence in a letter order filed September 2, 2009. Your current motion is denied for the same reasons set out in that letter order. You are not eligible for reduction of your sentence because you were sentenced as a career offender with a sentencing range determined by the Guidelines in § 4B1.1. Amendment 706 does not affect the sentencing range for career offenders. See United States v. Mateo, 560 F.3d 152, 155 (3d Cir. 2009) ("Because Amendment 706 does not lower Mateo's sentencing range due to his status as a career offender, he may not seek reduction in sentence under § 3582(c)(2).").

## **CONCLUSION**

It is on this 22<sup>nd</sup> day of November, 2011, ORDERED that Arthur Edmond's Motion for Appointment of Counsel is DENJED.

United States District Judge